

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
and	)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE	)	
ENGINEER,	)	
	)	
Plaintiffs,	)	
	)	No. 01cv00072 BB-ACE
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Sub-areas 1, 2 & 3 (excl. Ramah)
	)	
v.	)	Subfile ZRB-4-0307
	)	
A&R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
_____	)	

**SUGGESTION OF DEATH AND MOTION TO DISMISS PARTY DEFENDANT**

The Plaintiff United States of America (“United States”) pursuant to Fed. R. Civ. P. 25(a)(2) hereby suggests the death of JANET L. PARK upon the record and moves the Court to dismiss the decedent as a party defendant from this action. As grounds for this motion, the United States asserts as follows:

1. John E. Park and Janet L. Park were joined as defendants in this matter by the United States original Complaint (Doc. No. 1) and waived service of process on March 15, 2001 (filed of record May 13, 2005, Doc. No. 362).

2. Pursuant to the Special Master’s September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3 (Excluding Ramah) of the Zuni River Stream System* (Doc. No. 838), the United States served

John E. Park and Janet L. Park with a proposed consent order for Subfile ZRB-4-0307 and with other required service items.

3. John E. Park accepted the proposed consent order for Subfile ZRB-4-0307, but noted on the document that Janet L. Park is deceased. In response to a further inquiry, Mr. Park provided copies of the Warranty Deed (Joint Tenants) attached as Exhibit A, and the State of Arizona Certificate of Death for Janet Louise Park attached as Exhibit B. These documents establish that John E. Park is now the sole surviving party defendant and owner of the property involved in Subfile ZRB-4-0307.

4. The Hydrographic Survey of the Zuni River Stream System has not identified Janet L. Park, or her Estate, to be a potential claimant of any other water rights than those involved in Subfile ZRB-4-0307.

WHEREFORE, the Plaintiff respectfully moves the Court to enter its order dismissing JANET L. PARK as a party defendant from this action.

DATED: February 16, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 16, 2007, I filed the foregoing *Suggestion Of Death And Motion To Dismiss Party Defendant* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

**Via U.S. Mail, postage prepaid:**

John E. Park  
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